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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,152	01/25/2002	David Berry	2982P008	4048
8791	7590	08/10/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			HUYNH, BA	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/058,152

Applicant(s)

BERRY ET AL.

Examiner

Ba Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 34 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed “computer readable medium” as defined in the specification, page 37, as carrier waves, is non-statutory as not being tangible, incapable of being touched or perceived.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4-11, 16-20, 22-25, 30-34 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent application publication 2002/0083154 (Auffray et al).

- As for claim 1: Auffray et al (hereinafter Auffray) teach a computer implement method and corresponding system for facilitating the update of a plurality of user

interface categories utilizing a single application program (0112-0114), comprising the steps/means for:

generating, at a server computer system, a user interface data message (0047, 0050.

The generating step is inherently included prior to downloading the message to the client) wherein the message includes the plurality of user interface categories (0085-0086) and the single client application program (applet, 0056, 0106, 0118), wherein the single client application executes at a client computer system (0056, 0066, 0088, 0108), wherein each user interface category includes a user interface element (0052-0062);

communicating the user interface data message from the server computer to the client computer (0051, 0063);

receiving a user interface update message, at the server computer system, wherein the user interface update message includes an update to the plurality of user interface categories (0066, 0070); and

communicating a user interface update message from the server computer system, in response to the received message, to the client computer system to enable the single client application program at the client computer system to update the plurality of user interface categories (0070-0071). The single computer program at the client computer communicates the update to a script and the update in turn updates the user interface element (0071, 0072, 0090, 0110).

- As for claim 2: The first computer comprises a server and the second computer comprises a client (0116-0119).

- As for claims 4, 33: The second computer generates a user interface element table (record identification list, 0088) wherein the table includes a call back function script and subscription subjects for each user interface element (0090).
- As for claim 5: At the second computer, the user interface element table is read and invoking the appropriate call back script (0090).
- As for claim 6: The call back function script updates the user interface element with a display object model method (object model tree, 0086-0089).
- As for claim 7: The single application program populates a browser array with a name value pair for the user interface element (0086, 0088).
- As for claim 8: The single client application program communicates the user interface update message to a script, and the script in turn updates the user interface element, wherein the script read a name value pair from the browser array (0088-0090).
- As for claims 9, 32: Each user interface element is constructed from a text embedded with tags (0054-0062).
- As for claims 10, 11: The text embedded with tags is implemented in HTML special generalized mark-up language (0054-0062).
- As for claim 16: The single application program operates under a browser (0066, 0071).
- As for claims 17, 31: The single client application program is a Java applet (0056, 0067, 0066).

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- As for claim 18: The script executes under a browser at the second computer system (0052, 0053, 0066).
- As for claim 19: The single client application program updates at least one of a plurality of user interface categories (0085-0090).
- As for claims 20, 22-25, 30, 34: Auffray et al (herein Auffray) teach a computer implement method and corresponding system for facilitating the update of a plurality of user interface categories utilizing a single application program, comprising the steps/means for:
  - generating, at a server computer system, a user interface data message (0047, 0050. The generating step is inherently included prior to downloading the message to the client) wherein the message includes the plurality of user interface categories (0085-0086) and the single client application program (applet, 0056, 0106, 0118), wherein the single client application executes at a client computer system (0056, 0066, 0088, 0108), wherein each user interface category includes a user interface element (0052-0062);
  - communicating the user interface data message from the server computer to the client computer (0051, 0063), the user interface data message includes a subscription subject message (0067-0070, 0085-0088)
  - receiving a user interface update message (0088), at the server computer system, wherein the user interface update message, for subjects that have been subscribed to (0033, 0045) includes an update to the plurality of user interface categories (0088);
  - and

- communicating a user interface update message from the server computer system, in response to the received message, to the client computer system to enable the single client application program at the client computer system to update the plurality of user interface categories (0088). The single computer program at the client computer communicates the update to a script and the update in turn updates the user interface element (0090-0092).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-15, 21, 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent application publication 2002/0083154 (Auffray et al).

- As for claim 12: Auffray teaches that the mark-up language is HTML but fails to teach that the mark-up language includes XML. However Official notice is taken that implementation of XML mark-up language is well known in the art and would have been obvious for the benefit of having a more advance platform independent language.
- As for claim 13: Auffray fails to clearly teach a SOAP protocol defining message framework for transferring UI data message, however Official notice is taken that

implementation of SOAP protocol is well known in the art as a simple message protocol, and the combining would have been obvious in light of its simplicity.

- As for claims 14, 15: It is well known that HTML 4.0 provides author's control over how pages are organized by adding support for Style Sheet or Cascading Style Sheet, which define how and where GUI elements are displayed in Web pages. (see US patent #6,715,145; US patent application publication 2003/0145305, par. 0106).

Auffray discloses HTML having HTTP for transferring user interface data messages between client and server computers. Thus it appears that Style Sheet and Cascading Style Sheet are implicitly included in Auffray's teaching. Even if it is not, it would have been obvious to one of skill in the art to implement the well known Style Sheet or Cascading Style Sheet to Auffray's teaching of HTML. Motivation of the implementation is for providing author's control over how and where GUI elements are displayed in Web pages.

- As for claim 21: Auffray discloses that the single client application is a Java applet (0056, 0106, 0108). Auffray fails to clearly teach that the single client application program is a MS Com. However MS Com object is a well known object model among other well known models such as Java applets and servlets (see the applicant spec, par. 39. Also see US patents #6,609,158 and 6,535,913). Implementation of MS COM in place of Java applet would have been an obvious design preference in view of the applicant's specification and US patents #6,609,158 and 6,535,913.
- As for claims 26-29: Auffray et al (hereinafter Auffray) teach a computer implement method and corresponding system for facilitating the update of a plurality of user



interface categories utilizing a single application program (0112-0114), comprising the steps/means for:

generating, at a server computer system, a user interface data message (0047, 0050.

The generating step is inherently included prior to downloading the message to the client) wherein the message includes the plurality of user interface categories (0085-0086) and the single client application program (applet, 0056, 0106, 0118), wherein the single client application executes at a client computer system (0056, 0066, 0088, 0108), wherein each user interface category includes a user interface element (0052-0062);

communicating the user interface data message from the server computer to the client computer (0051, 0063);

receiving a user interface update message, at the server computer system, wherein the user interface update message includes an update to the plurality of user interface categories (0066, 0070); and

- communicating a user interface update message from the server computer system, in response to the received message, to the client computer system to enable the single client application program at the client computer system to update the plurality of user interface categories (0070-0071). The single computer program at the client computer communicates the update to a script and the update in turn updates the user interface element (0071, 0072, 0090, 0110). It appears that multicasting the interface update messages are inherently included in Auffray's teaching of Internet and Web application. Even if it is not implementation of multicasting an Internet message is

well known in the area network data communication. Modifying Auffray to include the well known implementation of multicasting would have been obvious to one of skill in the art at the time the invention was made, for multicasting data to terminals subscribed to the network. Auffray further discloses that CGI or servlet may be included at the server for relaying messages, however fails to teach the implementation of an intermediate computer bridging between the server and the client computer for relaying messages. However Official notice is taken that implementation of the intermediate computer for relaying messages between the server and the client computer is well known in networking and would have been obvious to one of skill in the art. Motivation of the implementation is for controlling message routing.

### ***Response to Arguments***

7. As for claim 34, in response to the argument that the limitation “computer readable medium” as defined in the specification is not limited to signal wave, the limitation as defined is not being excluded from carrier waves, which is non-statutory.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered highly pertinent to applicant's disclosure. Since multiple grounds of rejection are not deemed productive, Applicant's comment is requested for expediting the prosecution of this case.

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US patent application publication teaches a single application executed at a client computer for updating a web page interface (0016-0017, 0033-0034, 0046-0049).

US patent 6,728,769 teaches a single client application for updating a web page interface (5:17-6:17).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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AU 2179  
8/4/05

  
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